United Nations ST/SGB/2007/11

Secretariat

30 November 2007

Secretary-General's bulletin

United Nations system-wide application of ethics: separately administered organs and programmes

The Secretary-General, for the purpose of securing the highest standards of ethics and integrity of United Nations staff members and ensuring the consistent application of such standards within the United Nations including its separately administered organs and programmes; in accordance with Article 101, paragraph 3, of the Charter of the United Nations, taking into consideration paragraph 161 of the 2005 World Summit Outcome,[1] pursuant to General Assembly resolution 60/248, and consistent with Secretary-General's bulletin ST/SGB/2005/22 of 30 December 2005, entitled "Ethics Office — establishment and terms of reference"; and in consultation with the executive heads of separately administered organs and programmes, the Secretary-General hereby promulgates the following:

Section 1

Principles

1.1 The ultimate goal and principle of an Ethics Office of a separately administered organ or programme of the United Nations, established by the Executive Head of the organ or programme, pursuant to the present bulletin, shall be to cultivate and nurture a culture of ethics, integrity and accountability, and thereby enhance the trust in, and the credibility of, the United Nations, both internally and externally.

1.2 Independence, impartiality and confidentiality are vital prerequisites for the functioning and operation of an Ethics Office of a separately administered organ or programme of the United Nations, and they shall be fully respected.

1.3 In the performance of their responsibilities and duties, the Ethics Offices of a separately administered organ or programme of the United Nations shall not be compelled by any United Nations official or body to disclose issues brought to their attention. This is without prejudice to the role of the Ethics Office in the Secretariat as set out in section 4 below.

[1] See General Assembly resolution 60/1.

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1.4 The present bulletin shall be read in conjunction with Secretary-General's bulletin ST/SGB/2005/22 of 30 December 2005, entitled "Ethics Office — establishment and terms of reference".

Section 2

The head of the Ethics Office of a separately administered organ or programme

2.1 Each Ethics Office of a separately administered organ or programme shall be headed by an Ethics Officer, who shall function independently and report directly to the Executive Head of the respective separately administered organ or programme. When appointed, these ethics officers assume the relevant functions of existing ethics focal points as described in section 3 below. The Chairperson of the United Nations Ethics Committee, whose role is set out in section 5 below, will provide input into the annual performance assessment of each of the Ethics Officers.

2.2 If a separately administered organ or programme has not designated an Ethics Officer by January 2008, the Ethics Office of the United Nations Secretariat shall discharge the duties and responsibilities of the Ethics Office, as set out in this bulletin, until the separately administered organ or programme designates an Ethics Officer.

2.3 The Chairperson of the Ethics Committee is responsible for providing functional leadership to all Ethics Officers of the funds and programmes, in order to promote the building and developing of capacity, including adequate levels of professionally qualified resources; and ensure adherence to consistent methodology in the delivery of ethics-related services.

2.4 The responsibilities of an Ethics Officer of a separately administered organ or programme's Ethics Office shall neither prejudice or replace existing investigative or other relevant mechanisms, nor replace procedures for the administration of justice of the separately administered organs or programmes or the Secretariat, established in accordance with the relevant staff regulations and rules.

Section 3

Terms of reference of the Ethics Office of a separately administered organ or programme

An Ethics Office of a separately administered organ or programme shall have the following responsibilities:

(a) Developing standards, training and education on ethics issues, in coordination with the relevant units of the separately administered organs and programmes such as Legal, Internal audit/Oversight, and Human resources, as appropriate, as well as the United Nations Ethics Committee, as set out in section 5 below, in order to ensure that there is a uniform and consistent application of ethics-related issues within the United Nations system;

(b) Providing guidance to management of the separately administered organ or programme concerned to ensure that the Organization's rules, policies, procedures and practices reinforce and promote the standards of integrity called for under the Charter of the United Nations;

(c) Providing confidential advice and guidance to staff of the separately administered organs or programmes on ethical issues;

(d) Serving as a focal point for raising staff awareness within the separately administered organ or programme on ethical standards and expected behaviour within the context of oversight of each separately administered organ or programme as well as human resources development policies, strategies and programmes and in close cooperation with its respective oversight and human resources organizational units;

(e) Undertaking the responsibilities assigned to the Ethics Office in accordance with the policy for the protection of staff against retaliation of the respective separately administered organ or programme;

(f) In the absence of a separately administered organ or programme having in place a policy for protection against retaliation, staff members of the separately administered organ or programme may request protection from retaliation under Secretary-General's bulletin ST/SGB/2005/21;

(g) Administering the financial disclosure programme of the respective separately administered organ or programme, except for those staff members at Assistant Secretary-General level and above, for whom the programme will continue to be administered by the Ethics Office of the United Nations Secretariat;

(h) Providing to the executive heads of separately administered organs or programmes an annual report on the activities of the Ethics Office.

Section 4

Independence of the Ethics Offices of separately administered organs and programmes and the rights of staff members

4.1 In order to safeguard and ensure that all matters associated with the discharge of duties and responsibilities of the Ethics Office of the separately administered organ or programme are independent and free from any undue pressure and influence, solely at the discretion of the head of a separately administered organ's or programme's Ethics Office, he or she may refer any matter within the Office's area of responsibility, at any time, to the Chairperson of the United Nations Ethics Committee for advice and guidance, and shall inform the Executive Head of the separately administered organ or programme of the referral made.

4.2 Staff members of the separately administered organ or programme shall seek recourse with the Ethics Office of the respective separately administered organ or programme, and use the existing policies, procedures and resources available within the separately administered organ or programme to address ethical issues. In principle, allegations of retaliation shall be handled by the respective competent and authorized units within each separately administered organ or programme.

4.3 If, following the receipt of a request for advice or complaint submitted by a staff member in accordance with subparagraph (c) or (e) of section 3 above, the respective Ethics Office does not, within forty-five days, formally consider the request, the staff member may then refer the matter in writing to the Chairperson of the United Nations Ethics Committee. Alternatively, if following a final determination by the respective Ethics Office of a matter referred to it by a staff member, the said staff member wishes to have the matter reviewed further, he or she may, in writing, refer the matter to the Chairperson of the Ethics Committee. In such an event, the Chairperson, after consultation with the Ethics Committee, may

undertake his or her own independent review of the matter and provide a written report to the Executive Head of the separately administered organ or programme. Independent review for the purposes of this provision shall include review of the actions already taken by the concerned Ethics Office, determination of what additional actions are required, including, in the case of matters falling under subparagraph (e) of section 3, whether referral for investigation is warranted based on the requirements of the policy for protection against retaliation of the concerned Ethics Office, and provision of recommendations to the Executive Head of the concerned separately administered organ or programme. The Chairperson will include a summary of all such cases in the annual report of the activities of the Ethics Office of the United Nations Secretariat.

4.4 Where a matter has been referred for advice and guidance by an Ethics Officer of a separately administered organ or programme to the Chairperson of the Ethics Committee pursuant to section 4.1 above, or where a staff member has referred a matter pursuant to section 4.3 above to the Chairperson of the Ethics Committee, the Executive Head of the separately administered organ or programme shall provide the Chairperson with the necessary support, including access to records, staff members and contractors, where feasible.

Section 5

United Nations Ethics Committee

5.1 The United Nations Ethics Committee shall be established consisting of the heads of the Ethics Offices of the separately administered organs and programmes of the United Nations and the Ethics Office of the United Nations Secretariat. The United Nations Ethics Committee shall be chaired by the head of the Ethics Office of the United Nations Secretariat.

5.2 The United Nations Ethics Committee shall establish a unified set of standards and policies of the United Nations Secretariat and of the separately administered organs and programmes, and consult on certain important and particularly complex cases and issues having United Nations-wide implications raised by any Ethics Office or the Chairperson of the Ethics Committee.

5.3 Meetings of the United Nations Ethics Committee shall be convened by the Chairperson.

5.4 The United Nations Ethics Committee shall review the annual reports of the Ethics Offices of the United Nations Secretariat and the separately administered organs and programmes and make recommendations for the future, as may be appropriate. The executive heads of the separately administered organs and programmes shall include, in their annual reports to their respective Executive Boards, the recommendations made by the United Nations Ethics Committee that specifically relate to them.

Section 6

Entry into force

The present bulletin shall enter into force on 1 December 2007.

(*Signed*) **Ban** Ki-moon
Secretary-General